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VIA FEDERAL EXPRESS

November 18, 1994

MEMORANDUM TO THE COMMITTEE OF COUNSEL

6- Re: **Washington State OSHA Litigation**

As you will recall, on Wednesday, November 7, 1994, we filed a motion in the Court of Appeals of Washington seeking modification of the Commissioner's adverse ruling dated October 21. On November 14 the Attorney General's office filed a memorandum in opposition, and we filed the attached reply on November 16.

It is our understanding that the five-judge panel of the Court of Appeals is conferring today on our motion, but we have no clear idea as to when we may be notified of the Court's action. Conceivably, if they decide to rule without a written opinion, we will receive notice of their action immediately. On the other hand, if they decide to write an opinion, there may well be some delay, particularly in view of the holidays coming up next week. Obviously we will notify you of the Court's ruling as quickly as possible.

R. B. Owen

Enclosure

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DENISE F. KEANE

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